

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

JOEL FISHER,	)	Case No.: 1:22-cv-00447-ENV-RML
	)	
Plaintiff,	)	Hon. Eric N. Vitaliano
v.	)	
	)	
LVNV FUNDING, LLC and	)	
FINANCIAL RECOVERY SERVICES, INC.,	)	
	)	
Defendants.	)	

**DEFENDANTS' ANSWER WITH AFFIRMATIVE DEFENSES TO PLAINTIFF'S  
COMPLAINT**

Defendants, LVNV FUNDING LLC ("LVNV") and FINANCIAL RECOVERY SERVICES, INC. ("FNCB") (together, "Defendants"), by their attorneys, J. Robbin Law PLLC, as and for an Answer to the Complaint ("Complaint") filed by Plaintiff, JOEL FISHER ("Plaintiff"), with Affirmative Defenses states, upon information and belief, as follows:

**IN RESPONSE TO THE COMPLAINT**

**INTRODUCTION**

1. Paragraph 1 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 1 of the Complaint and leave Plaintiff to his proofs.

**PARTIES**

2. Defendants deny knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 2 of the Complaint and leave Plaintiff to his proofs.

3. Defendants deny the allegations set forth in Paragraph 3 of the Complaint as written and leave Plaintiff to his proofs.

4. Defendants admit the allegations contained in Paragraph 4 of the Complaint.

#### **JURISDICTION AND VENUE**

5. Paragraph 5 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 5 of the Complaint and leave Plaintiff to his proofs.

6. Paragraph 6 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 6 of the Complaint and leave Plaintiff to his proofs.

7. Paragraph 7 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 7 of the Complaint and leave Plaintiff to his proofs.

#### **THE FDCPA AS IT RELATES TO THE CLAIMS HEREIN**

8. Paragraph 8 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 8 of the Complaint and leave Plaintiff to his proofs.

9. Paragraph 9 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent

a response is required, Defendants deny the allegations set forth in Paragraph 9 of the Complaint and leave Plaintiff to his proofs.

10. Paragraph 10 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 10 of the Complaint and leave Plaintiff to his proofs.

11. Paragraph 11 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 11 of the Complaint and leave Plaintiff to his proofs.

12. Paragraph 12 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 12 of the Complaint and leave Plaintiff to his proofs.

13. Paragraph 13 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 13 of the Complaint and leave Plaintiff to his proofs.

14. Paragraph 14 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 14 of the Complaint and leave Plaintiff to his proofs.

**FACTUAL ALLEGATIONS**

15. Paragraph 15 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 15 of the Complaint and leave Plaintiff to his proofs.

16. Paragraph 16 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 16 of the Complaint and leave Plaintiff to his proofs.

17. Paragraph 17 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 17 of the Complaint and leave Plaintiff to his proofs.

18. Paragraph 18 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 18 of the Complaint and leave Plaintiff to his proofs.

19. Paragraph 19 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 19 of the Complaint and leave Plaintiff to his proofs.

20. Paragraph 20 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the

extent a response is required, Defendants deny the allegations set forth in Paragraph 20 of the Complaint and leave Plaintiff to his proofs.

21. Paragraph 21 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 21 of the Complaint and leave Plaintiff to his proofs.

22. Paragraph 22 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 22 of the Complaint and leave Plaintiff to his proofs.

23. Paragraph 23 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 23 of the Complaint and leave Plaintiff to his proofs.

24. Paragraph 24 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 24 of the Complaint and leave Plaintiff to his proofs.

25. Paragraph 25 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 25 of the Complaint and leave Plaintiff to his proofs.

26. Paragraph 26 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 26 of the Complaint and leave Plaintiff to his proofs.

27. Paragraph 27 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 27 of the Complaint and leave Plaintiff to his proofs.

28. Defendants admit the allegations contained in Paragraph 28 of the Complaint to the extent that Plaintiff owes Defendants money. Defendants deny the remaining allegations contained in Paragraph 28 of the Complaint leave Plaintiff to his proofs.

29. Paragraph 29 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 29 of the Complaint and leave Plaintiff to his proofs.

30. Paragraph 30 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 30 of the Complaint and leave Plaintiff to his proofs.

31. Paragraph 31 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 31 of the Complaint and leave Plaintiff to his proofs.

32. Paragraph 32 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 32 of the Complaint and leave Plaintiff to his proofs.

33. Paragraph 33 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 33 of the Complaint and leave Plaintiff to his proofs.

34. Paragraph 34 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 34 of the Complaint and leave Plaintiff to his proofs.

35. Paragraph 35 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 35 of the Complaint and leave Plaintiff to his proofs.

36. Paragraph 36 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 3 of the Complaint and leave Plaintiff to his proofs.

37. Paragraph 37 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the

extent a response is required, Defendants deny the allegations set forth in Paragraph 37 of the Complaint and leave Plaintiff to his proofs.

38. Paragraph 38 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 38 of the Complaint and leave Plaintiff to his proofs.

39. Paragraph 39 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 39 of the Complaint and leave Plaintiff to his proofs.

40. Paragraph 40 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 40 of the Complaint and leave Plaintiff to his proofs.

41. Defendants deny the allegations set forth in Paragraph 41 of the Complaint and leave Plaintiff to his proofs.

42. Paragraph 42 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 42 of the Complaint and leave Plaintiff to his proofs.

43. Paragraph 43 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the



extent a response is required, Defendants deny the allegations set forth in Paragraph 43 of the Complaint and leave Plaintiff to his proofs.

44. Paragraph 44 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 44 of the Complaint and leave Plaintiff to his proofs.

45. Paragraph 45 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 45 of the Complaint and leave Plaintiff to his proofs.

46. Paragraph 46 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 46 of the Complaint and leave Plaintiff to his proofs.

47. Defendants deny the allegations set forth in Paragraph 47 of the Complaint and leave Plaintiff to his proofs.

48. Paragraph 48 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 48 of the Complaint and leave Plaintiff to his proofs.

49. Paragraph 49 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the

extent a response is required, Defendants deny the allegations set forth in Paragraph 49 of the Complaint and leave Plaintiff to his proofs.

50. Paragraph 50 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 50 of the Complaint and leave Plaintiff to his proofs.

51. Paragraph 51 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 51 of the Complaint and leave Plaintiff to his proofs.

52. Paragraph 52 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 52 of the Complaint and leave Plaintiff to his proofs.

53. Paragraph 53 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 53 of the Complaint and leave Plaintiff to his proofs.

54. Paragraph 54 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 54 of the Complaint and leave Plaintiff to his proofs.

55. Paragraph 55 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 55 of the Complaint and leave Plaintiff to his proofs.

56. Paragraph 56 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 56 of the Complaint and leave Plaintiff to his proofs.

57. Paragraph 57 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 57 of the Complaint and leave Plaintiff to his proofs.

58. Paragraph 58 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 58 of the Complaint and leave Plaintiff to his proofs.

#### **FIRST COUNT**

59. Defendants repeat and reiterate the foregoing allegations as if fully set forth herein.

60. Paragraph 60 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 60 of the Complaint and leave Plaintiff to his proofs.

61. Paragraph 61 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 61 of the Complaint and leave Plaintiff to his proofs.

62. Paragraph 62 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 62 of the Complaint and leave Plaintiff to his proofs.

63. Paragraph 63 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 63 of the Complaint and leave Plaintiff to his proofs.

64. Paragraph 64 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 64 of the Complaint and leave Plaintiff to his proofs.

65. Paragraph 65 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 65 of the Complaint and leave Plaintiff to his proofs.

66. Paragraph 66 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the

extent a response is required, Defendants deny the allegations set forth in Paragraph 66 of the Complaint and leave Plaintiff to his proofs.

67. Paragraph 67 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 67 of the Complaint and leave Plaintiff to his proofs.

68. Paragraph 68 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 68 of the Complaint and leave Plaintiff to his proofs.

69. Paragraph 69 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 69 of the Complaint and leave Plaintiff to his proofs.

70. Paragraph 70 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 70 of the Complaint and leave Plaintiff to his proofs.

71. Paragraph 71 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 71 of the Complaint and leave Plaintiff to his proofs.

72. Paragraph 72 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 72 of the Complaint and leave Plaintiff to his proofs.

73. Paragraph 73 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 73 of the Complaint and leave Plaintiff to his proofs.

74. Paragraph 74 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 74 of the Complaint and leave Plaintiff to his proofs.

75. Paragraph 75 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 75 of the Complaint and leave Plaintiff to his proofs.

76. Paragraph 76 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 76 of the Complaint and leave Plaintiff to his proofs.

### **SECOND COUNT**

77. Defendants repeat and reiterate the foregoing allegations as if fully set forth herein.

78. Paragraph 77 of the Complaint repeats and re-alleges the allegations set forth in Complaint to which responses are not required. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 77 of the Complaint and leave Plaintiff to his proofs.

79. Paragraph 78 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 78 of the Complaint and leave Plaintiff to his proofs.

80. Paragraph 79 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 79 of the Complaint and leave Plaintiff to his proofs.

81. Paragraph 80 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 80 of the Complaint and leave Plaintiff to his proofs.

82. Paragraph 81 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 81 of the Complaint and leave Plaintiff to his proofs.

83. Paragraph 82 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 82 of the Complaint and leave Plaintiff to his proofs.

84. Paragraph 83 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 83 of the Complaint and leave Plaintiff to his proofs.

85. Paragraph 84 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 84 of the Complaint and leave Plaintiff to his proofs.

86. Paragraph 85 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 85 of the Complaint and leave Plaintiff to his proofs.

87. Paragraph 86 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 86 of the Complaint and leave Plaintiff to his proofs.

88. Paragraph 87 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 87 of the Complaint and leave Plaintiff to his proofs.

89. Paragraph 88 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the



extent a response is required, Defendants deny the allegations set forth in Paragraph 88 of the Complaint and leave Plaintiff to his proofs.

90. Paragraph 89 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 89 of the Complaint and leave Plaintiff to his proofs.

91. Paragraph 90 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 90 of the Complaint and leave Plaintiff to his proofs.

92. Paragraph 91 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 91 of the Complaint and leave Plaintiff to his proofs.

93. Paragraph 92 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 92 of the Complaint and leave Plaintiff to his proofs.

94. Paragraph 93 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 93 of the Complaint and leave Plaintiff to his proofs.

95. Paragraph 94 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 94 of the Complaint and leave Plaintiff to his proofs.

96. Paragraph 95 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 95 of the Complaint and leave Plaintiff to his proofs.

### **THIRD COUNT**

97. Defendants repeat and reiterate the foregoing allegations as if fully set forth herein.

98. Paragraph 96 of the Complaint repeats and re-alleges the allegations set forth in Complaint to which responses are not required. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 96 of the Complaint and leave Plaintiff to his proofs.

99. Paragraph 97 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 97 of the Complaint and leave Plaintiff to his proofs.

100. Paragraph 98 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 98 of the Complaint and leave Plaintiff to his proofs.

101. Paragraph 99 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the

extent a response is required, Defendants deny the allegations set forth in Paragraph 99 of the Complaint and leave Plaintiff to his proofs.

102. Paragraph 100 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 100 of the Complaint and leave Plaintiff to his proofs.

103. Paragraph 101 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 101 of the Complaint and leave Plaintiff to his proofs.

104. Paragraph 102 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 102 of the Complaint and leave Plaintiff to his proofs.

105. Paragraph 103 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 103 of the Complaint and leave Plaintiff to his proofs.

106. Paragraph 104 of the Complaint contains legal conclusions to which a response is not required and Defendants respectfully refer all questions of law to the within Court. To the extent a response is required, Defendants deny the allegations set forth in Paragraph 104 of the Complaint and leave Plaintiff to his proofs.

**GENERAL DENIAL**

Defendants interpose a general denial to the Complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

1. The Court lacks personal jurisdiction over Defendants.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

2. The Complaint fails to state a cause of action upon which relief can be granted.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

3. Plaintiff's Complaint is barred, in whole, or in part, by his own intentional negligent or otherwise culpable wrongdoing.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

4. Plaintiff's claims have no basis, contain misstatements of law and fact, and fail to disclose material facts.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

5. Plaintiff's claims are barred by his unclean hands.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

6. Plaintiff has suffered no damages as a result of any of the actions of Defendants. To the extent that Plaintiff does have any damages, those damages are a result of an intervening cause specifically the negligence of Plaintiff, Plaintiff's alleged attorneys, or third parties that Defendants have no liability, authority or control.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

7. Plaintiff is not a consumer as defined by the FDCPA.

**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE**

8. Defendants are not debt collectors as defined by the FDCPA.

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE**

9. Plaintiff lacks standing to maintain the suit.

**AS AND FOR A TENTH AFFIRMATIVE DEFENSE**

10. Plaintiff's Complaint is barred by the statute of limitations.

**AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE**

11. Defendants are presently not able to determine all of the affirmative defenses which it is entitled to assert, and may later determine that there are additional affirmative defenses which are applicable in this case, including, but not limited to, those defense enumerated or contemplated by Rule 8(c) of the Federal Rules of Civil Procedure. Defendants reserve the right to supplement this Answer and to add any additional affirmative defenses to the Complaint.

**WHEREFORE,** Defendants request that this Court enter judgment in its favor and against Plaintiff, as follows:

- a) Awarding Defendants costs, attorney's fees and disbursements;
- b) Dismissing Plaintiff's Complaint in its entirety, with prejudice, on the merits, and at its cost; and
- c) Awarding Defendants any such other and further relief as this Court deems just and proper.

Dated: February 16, 2022

Respectfully submitted,

/s/ Jacquelyn A. DiCicco

Jacquelyn A. DiCicco, Esq.

Jonathan M. Robbin, Esq.

**J. ROBBIN LAW PLLC**

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*Attorneys for Defendants*

**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Defendants hereby request a trial by jury on all issues so triable.

Dated: February 16, 2022

Respectfully submitted,

/s/ Jacquelyn A. DiCicco

Jacquelyn A. DiCicco, Esq.

Jonathan M. Robbin, Esq.

**J. ROBBIN LAW PLLC**

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*Attorneys for Defendants*